

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE**
Office of Business Liaison

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Order INS Forms 800-870-3676 Website www.usdoj.gov/ins/

“SPONSORING” AN ALIEN FOR US EMPLOYMENT

(For information on “sponsorship” for employment-based permanent residence, see Employer Bulletin 14)

Many people do not know how an alien may be “sponsored” for employment in the United States (US). They often do not realize that there are many different nonimmigrant (temporary) classifications or that permanent residence based on US employment is possible. In some cases more than one alternative may apply. In other cases, only one classification is possible. Occasionally, no classification fits the employer’s circumstances or only the lengthy “sponsorship” process for permanent residence may be possible.

Unless the alien to be sponsored is a Canadian professional (see employer bulletin 11), or an E-1 Treaty Trader or E-2 Treaty Investor (see bulletin 4), the “sponsorship” process involves petitioning INS for a determination of whether the job requirements and alien’s credentials match the requirements of the classification requested. Determining which classification(s) may be possible to use for sponsorship depends on the following:

- a) nature of and requirements for the position (particularly, whether a specific bachelors degree or higher is required)
- b) the alien's credentials vis a vis the position requirements (whether the alien has been awarded a bachelor’s degree or higher required by the position)
- c) the requirements of similar US employers for similar positions
- d) the duration of the petitioning employer's need to have the position filled (this does not refer to the period of time desired by the employer for the alien to fill the position, but to the period of time during which the employer needs the position to be filled)
- e) whether the alien is inside or outside of the US; if inside the US, the current status of the alien must be known (determinable from the Form I-94 Arrival-Departure Record issued to alien at port of entry to the US, which will typically be endorsed by a letter-number classification code and an admission period). **Note that:**
 - Aliens not issued Forms I-94 are presumed to be Canadian visitors, Mexican visitors (if they possess Border Crossing Cards), or illegal aliens (who have entered the US unlawfully).
 - Aliens with green I-94 documents are visitors who entered under the Visa Waiver Program and are not entitled to extend their stays past 90 days or to change status to another classification during that period.
- f) whether the US employer has a parent, affiliate, subsidiary branch or joint venture partner abroad at which the alien has been employed
- g) the alien beneficiary's country of citizenship

The Office of Business Liaison will be pleased to assist you further if you provide this information.